IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO.4625/2007

Mani Ram
Vs.
Raj. Non-Govt Educational Institutions Tribunal & Ors.

Date of Order **: :** 06.08.2007

PRESENT

HON'BLE MR. KRISHAN KUMAR ACHARYA, J.

Mr.L.S.Jodha, for the petitioner.

BY THE COURT:-

By the instant petition, the petitioner has prayed that by an appropriate writ, order or direction, the impugned judgment dated 29.8.2006 (Annexure-17) may be modified to the extent that petitioner is entitled to be absorbed in any other department of the State Government with all consequential benefits or in alternative, by an appropriate writ or direction the State Government be directed to take over the management of the institutions and re-instated the petitioner with all consequential benefits.

Learned Tribunal while deciding application under Section 21 of the Rajasthan Non-Government Educational Institutions Act, 1989 filed by Mani Ram (the present petitioner) has granted due salary and all benefits to the petitioner. Learned Tribunal also came to the conclusion that the termination of the petitioner was illegal and contrary to the Section 18 of the Act and Rule 39(2) of the Rules of 1993 and it was left open to the State Government and Education Department to decide whether this school should be taken over by the State or whether the persons working there, should be absorbed or not in any other department of the State Government.

It is contended by learned counsel for the petitioner that when the learned Tribunal itself came to the conclusion that the termination of the petitioner was illegal and contrary to the Section 18 of the Act and Rules 39 (2) of the Rules, it was bounden duty of the learned Tribunal to direct the State authority or the State Government to absorb the petitioner in any other department of the State Government. Learned counsel for the petitioner has drawn my attention towards Annexure-16 and argued that Teachers who were working in other institutions,

have already been absorbed in other department of the State Government. The petitioner has already submitted his representation before the Education department but no order has been passed.

I have heard learned counsel for the petitioner and gone through the order dated 29.8.2006 passed by Rajasthan Non-Government Educational Institutions Tribunal, Jaipur as well as material placed on record.

Learned Tribunal has considered entire matter in true perspective. So far as it relates to not directing the State authority to take over the charge of the management and absorption of the employees already working, in any other department of the State Government is concerned, it was left open for the State Government to take a decision whether the said school should be taken over by the State or whether the persons who are already working should be absorbed or not in any other department of the State Government. In my considered opinion, learned Tribunal has not committed any error in passing the impugned order.

The petitioner may approach to the Education

Department/State Government for appropriate relief raising all the objections which have been raised in this writ petition. The Education Depart/State Government shall decide the representation if filed by the petitioner within a period of three months from today.

With aforesaid directions and observations, this writ petition is disposed of.

(KRISHAN KUMAR ACHARYA), J.

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